

VZCZCXRO0751
RR RUEHAG RUEHDA RUEHDF RUEHFL RUEHIK RUEHKW RUEHLA RUEHLN RUEHLZ
RUEHROV RUEHSR RUEHVK RUEHYG
DE RUEHBW #0739/01 1310636
ZNR UUUUU ZZH
R 110636Z MAY 06
FM AMEMBASSY BELGRADE
TO RUEHC/SECSTATE WASHDC 8545
INFO RUEHZL/EUROPEAN POLITICAL COLLECTIVE
RUFOADA/JAC MOLESWORTH RAF MOLESWORTH UK

UNCLAS SECTION 01 OF 02 BELGRADE 000739

SIPDIS

SIPDIS

SENSITIVE

E.O. 12958: N/A

TAGS: [PGOV](#) [PREL](#) [MW](#) [SR](#)

SUBJECT: MONTENEGRIN INDEPENDENCE REFERENDUM: AFTER MAY 21

SENSITIVE BUT UNCLASSIFIED - PLEASE HANDLE ACCORDINGLY

Ref: Belgrade 679

Summary

¶1. (SBU) On Sunday May 21, Montenegro will hold a referendum on independence (or "state status"). A clear referendum result above the 55 percent threshold will lead directly to a GoM declaration of independence and a GoM request for recognition - although many expect that the ceremonial GOM independence declaration would occur on July 13, the anniversary of the first international recognition of Montenegro's sovereignty (in 1878). If the results fall below 55 percent of valid votes cast (and over 50 percent), many observers expect the GoM to present the GoS with a new model for looser relations between the republics (possibly accompanied by a Montenegrin withdrawal from State Union institutions). The GOM would also likely seek recognition among sympathetic states, including within the EU. Violence and electoral fraud are not expected to affect the referendum outcome, but a tally close to the 55 percent threshold combined with high requirements for considering a vote to be valid could delay announcement of official results. By law, the outcome must be published within than 15 days after the vote, i.e., June 5. Two recent polls indicated support for independence slightly above the 55 percent level. End Summary.

Legal Timeline for Results

¶2. (U) The Referendum Law requires 55 percent of valid votes to be "yes" to adopt independence. The law further requires that the Republic Commission establish preliminary results no later than 9:00 a.m. on May 23, and the outcome of the referendum must be gazetted no later than June 5, without exceptions.

Practical Timeline for Results

¶3. (SBU) By about 10:00 p.m. local time on Sunday May 21, the USG expects to have initial read-outs from the parallel vote count to be conducted by the NGO Center for Democratic Transition (CDT). OSCE/ODIHR plans to announce its preliminary findings at 2:00 p.m. local on Monday May 22; the USG will see the draft report earlier in the day.

Possible Impediments to an Early Official Announcement

¶4. (SBU) While the question is clear ("Do you want the

Republic of Montenegro to be an independent state with full international and legal personality?"), and requires a simple "yes" or "no" from the voter, the law also incorporates provisions from the 2001 law specifying that the only valid mark is to circle the chosen option. The 2001 provision is generally seen as narrowing the scope for determining the voter's intent, and may lead to a higher number of disputable and invalid ballots, perhaps as high as five percent. With public opinion polls showing support hovering around the 55 percent threshold, it may be necessary to resolve a large number of disputes before announcing a final result. Unfortunately, all the polling boards and referendum commissions, except the Republic Commission itself, are evenly split between the opposing blocs and can be expected to take strict partisan stances. Ambassador Lipka (Slovakia), the Republic Referendum Commission chair and the only "odd man out", may have the unenviable task of resolving all (or nearly all) the disputed ballots. Lipka has indicated a tendency to view the legal requirements strictly, which could increase the number of invalid ballots. Lipka's decision could be appealed to the Montenegro Constitutional Court for a ruling on whether the law as applied was too restrictive - the Court is likely to side with whatever argument is put forward by the Government. The Commission and, if needed, the Court will need to conclude their actions before June 5, as required by the law.

If 55 Percent is Reached: Independence

15. (U) The Montenegrin Republic Parliament has sixty days, until July 21, to adopt any acts required by the decision reached in the referendum. It is likely that the parliament would act more quickly than required. In passing the March 2006 Referendum Law, a political understanding

BELGRADE 00000739 002 OF 002

was reached that both blocs would support the outcome of a free and fair vote. The act would probably be a simple acknowledgement of the referendum outcome, allowing the Government to formally declare independence, or may itself be a declaration of independence. In either case, the Government of Montenegro would then send letters to foreign governments requesting recognition of its independence.

If 55 Percent is Not Reached: Heightened Autonomy

16. (SBU) There is a possibility that a majority of the population will vote for independence, but that "yes" votes will fail to reach the 55 percent threshold (a so-called "gray zone" result). While the leading faction of the pro-union bloc (the Socialist People's Party - SNP) says any result below 55 percent means the State Union continues as before, the pro-Union bloc is factionalized, with some supporting a federal state, others (a minority) a unitary state. (Comment: Even Serbian PM Kostunica told the Ambassador as recently as 5/9 that the State Union would have to be "re-modeled" in the event the independence vote falls short of 55 percent. End comment.) The GoM would be likely to try to capitalize on those divisions, and majority support for independence, to launch a new model for relations between the republics, along the lines of the previously proposed Union of Independent States.

17. (SBU) Montenegrin President Vujanovic has reiterated that while a referendum result below 55 percent but above 50 percent would mean that the legal conditions of independence had not been met, it would at the same time imply that the citizens had presented their will that the state union be "cancelled." PM Djukanovic has said such a result would necessitate an EU-mediated negotiation on relations between Podgorica and Belgrade. The GoM has indicated that a first step could be withdrawal of Montenegrin officials from State Union institutions. It

would likely seek support for such moves (or even diplomatic recognition) from EU states that it sees as sympathetic to its position, particularly Slovenia, Hungary, Austria, and the Baltic states. SaM President Marovic has drafted a proposal to transform the State Union into a union of states in the event of such an outcome, abolishing the State Union institutions (Parliament, Council of Ministers (including defense and foreign affairs), Court and Supreme Defense Council). The Constitution and laws do not appear to bar this outcome, which would heighten the autonomy of Montenegro, to a point just shy of independence. With the GoM highly unlikely to accept the status quo ante vox, GoS resistance to greater autonomy could elicit heightened and unilateral GoM steps, with an unclear (although in all likelihood essentially peaceful) end state, particularly as to the international status and personality of Montenegro.

Below 50 Percent: An Unlikely Continued State Union

18. (SBU) Informed observers and opinion polls alike see little chance that "no" votes will outnumber "yes" votes on May 21. PM Djukanovic has said he would resign in such an eventuality, which would presumably permit the pro-Union bloc to lead discussions on shaping the future State Union.

POLT